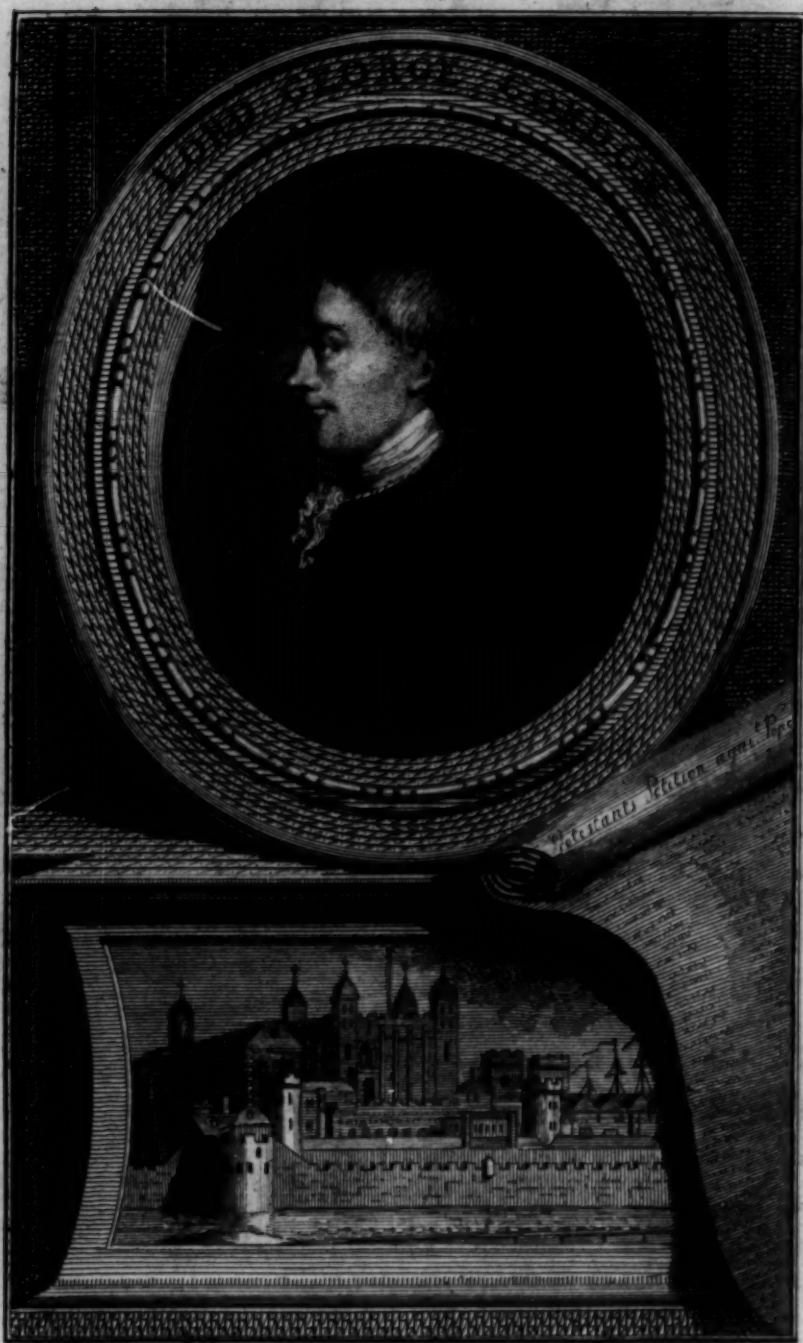
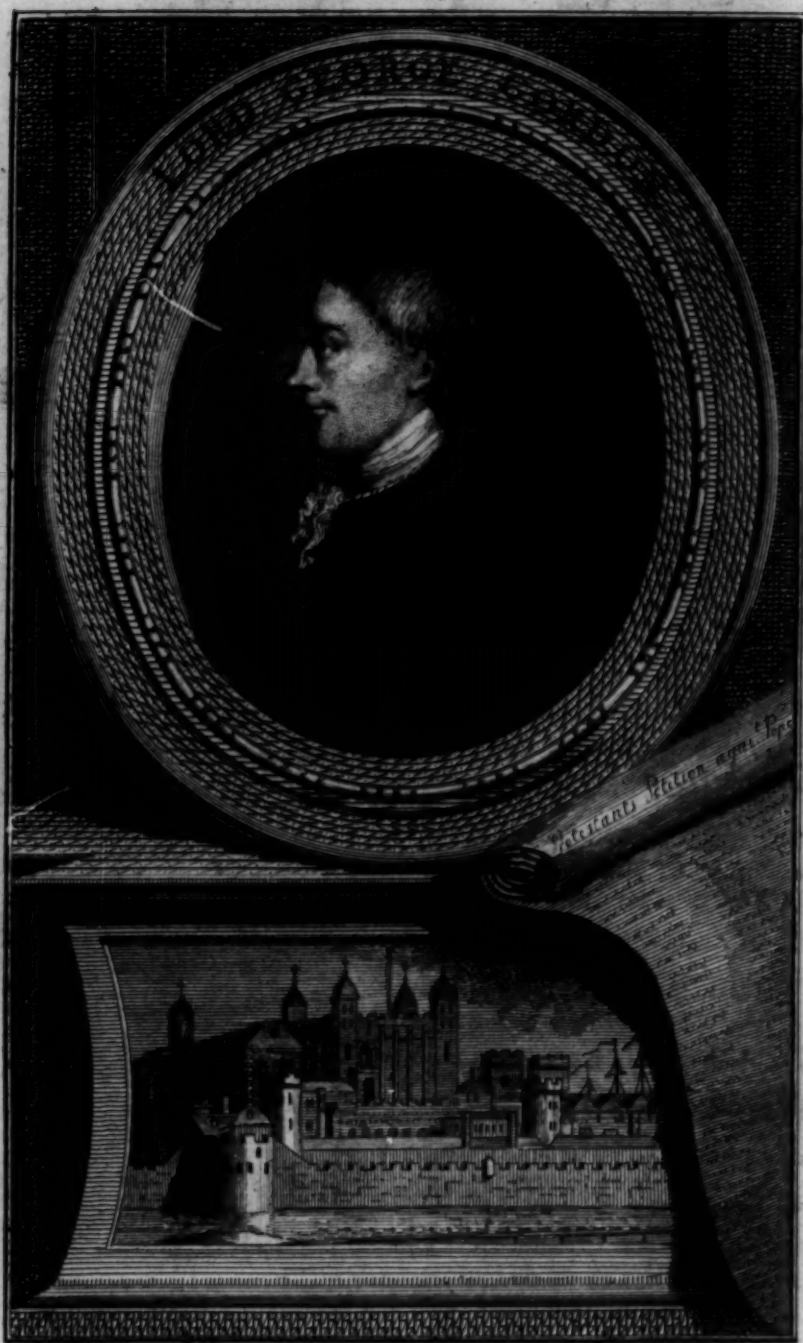




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THE
T R I A L
OF THE
HON. GEORGE GORDON,

Commonly called LORD GEORGE GORDON,

FOR
H I G H - T R E A S O N,

AT THE
BAR of the COURT of KING'S BENCH,

On MONDAY, the 5th of FEBRUARY, 1781.

BEFORE
THE RIGHT HON. EARL MANSFIELD;
CHIEF JUSTICE; EDWARD WILLES, ESQ;
SIR WILLIAM HENRY ASHHURST, KNT.
and FRANCIS BULLER, ESQ.

CONTAINING,
Not only the Evidence on both Sides, but an Account of the
Manner of conducting the Trial; the Arguments of Coun-
sel; the contested Points in Law, &c.

ALSO
THE SPEECH OF THE ATTORNEY-GENERAL; MR. KENYON,
THE SOLICITOR-GENERAL, AND MR. ERSKINE.

TAKEN IN SHORT-HAND
By WILLIAM VINCENT, Esq; of GRAY'S-INN.

L O N D O N :
PRINTED FOR FIELDING AND WALKER,
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MDCCCLXXXI.

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Rec. Oct. 18, 1878.

ADVERTISEMENT.

THE dreadful events, which seemed to be the consequence of assembling so vast a multitude in St. George's-fields, to attend Lord George Gordon, on the day he presented the petition to the House of Commons, are, it is presumed, sufficiently known to every man in the kingdom, otherwise it would have been thought necessary to have given a detail of those unhappy disturbances, previous to the following account of Lord Gordon's trial, that the reader might have the subject entire before him, and perceive on what motives government have acted. Should any person, however, wish to have the whole in review, a circumstantial narration of the devastations committed in the cities of London and Westminster, from the 2d to the 10th of June last, together with some Anecdotes of the Life of Lord George Gordon, may be seen in "VINCENT'S Plain and Succinct Narrative of the late Riots;" in which the Protestant Petition, the Thunderer, and other inflammatory and curious hand-bills, are contained.

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THE

The Court when sitting on February 5, was
composed of

WILLIAM, Earl of MANSFIELD,
Lord Chief Justice ;

~~EDWARD WELLES, Esq;~~
Sir W. HENRY ASHHURST, Knt. } Judges,
AND
FRANCIS BULLER, Esq;

J U R Y.

Thomas Collins, of Berners-street.
Henry Hastings, of Queen Anne-street,
Edward Hulse, of Harley-street.
Edward Pomfret, New North-street.
Gedaliah Gatfield, of Hackney.
Simon Le Sage, of Hammer-smith.
Joseph Pickles, of Homerton.
Marmaduke Peacock, of Hackney.
Edward Gordon, of Bromley.
Francis Degon, of Hammer-smith.
Robert Armitage, of Kensington, and
John Rix, of Whitechapel, Esquires.

<i>Council for the Crown,</i>	<i>Council for the Prisoner,</i>
Attorney General,	Mr. Kenyon,
Solicitor General,	Mr. Erskine.
Mess. Bearcroft,	Assistant Council,
Dunning,	Mr. Darrel.
Howarth,	Attorney,
Lee, and	Mr. Albany Wallis.
Norton.	

THE
T R I A L
OF
Lord GEORGE GORDON,
FOR
H I G H T R E A S O N.

ON Friday the 8th of June, 1780, Lord George Gordon was apprehended, examined before his Majesty's Privy Council, and committed to the Tower, and on Wednesday, January 24, 1781, his Lordship was brought, by virtue of a Writ of Habeas Corpus, to the bar of the Court of King's-Bench, to be arraigned. He was dressed in a plain black suit, his hair, as usual, strait and without powder. The Officer of the Tower, and four yeomen of the guard attended him; a numerous body of peace officers were placed in the hall and in the court, and a file

of foot soldiers was stationed in the avenue between the coach-way and the entrance of the hall.

Previous to the indictment being read, his Lordship remarked, that besides the learned Counsel, whom he had the happiness to have assigned to him, by virtue of the statute, Mr. Kenyon and Mr. Erskine, he considered himself as under the protection of that wise and benevolent maxim of the law of England, which reminds the Judges that they are of Council for the prisoner; an office which their Lordships humanity would incline them to adopt, and in the discharge of which, he was assured of every benefit that he could wish, from their impartial justice.

He then begged to know if the court could inform him, why his trial, that he had earnestly desired, from the moment he was committed, had been delayed so long. This, he feared, independent of the contingent inconveniencies, had given time for prejudices to operate, and for the minds of the public to be influenced against him. He likewise suggested an apprehension that endeavours might have been used to prejudicate his cause in a quarter which, he trusted, would be ever inaccessible to such attempts.

Lord Mansfield replied, the suggestion was of a nature that did not entitle it to an answer; but that the court declared they knew in this, as in every other instance, nothing that did not come before them judicially. Why his lordship was not tried under the special commission, they could not inform him, this being between the prosecutor and the defendant; the duty of the court was neither to accelerate, nor to delay the trial.

The

The prisoner then said, that he perceived by the benefit of the statute, which had given him the inspection of the names of the panel, that no less than one hundred and seventy-nine had been returned by the sheriffs, instead of that sufficient number which the law required, whereby he was put to great difficulty and uncertainty of the characters, connections, and sentiments, of such a number of persons, widely dispersed in this extensive metropolis; some of whom he understood to be even papists, and therefore highly unsuitable to be of the jury, where his conduct, as he conceived, in maintenance of the protestant cause, had eventually brought him to a trial, in which his property, life, honour, and the reputation of his family, must depend on the verdict. That no precedent of a panel, any thing near so numerous, was to be found, unless that in the case of Hensley, in the year 1756; and then it appeared an extraordinary deviation from the reasonable number which equal justice and usage have established between the prosecutor and defendant: yet that panel was exceeded by sixty, in the number of the present, it being then only one hundred and nineteen.

The court acquainted him, that in point of timing this objection, it ought rather to be offered when the panel would be before them, after issue joined, and before the jury was sworn. Then the objections, if offered to the whole array, and the challenges, whether peremptory or special, to particular jurors, would be taken duely into consideration, according to law.

The

The prisoner suggested farther, that he laboured under great disadvantages in point of evidence; that two servants of the duke of Buccleugh were in the list of witnesses against him, who, he found, were brought out of Scotland, to which part of Great Britain it was evident, since the late adjudication in the case of lord Macdonald, no compulsory process could issue to compel appearance; therefore he should have no opportunity of confronting his evidence.

The court answered, that the prosecutor and defendant would be on equal footing, as far as depended upon their authorities; the whole process of the court, so far as it extended, being alike in the power of either party. If any thing should arise affecting the admissibility of this, or any other evidence, the season for accepting would be, when the evidence was offered upon the trial.

The indictment was then read, which was as follows:

Copy of the Indictment preferred against Lord George Gordon by the Grand Jury.

“Middlesex,

“THE jurors for our Lord the King upon their oath present, That George Gordon, late of the parish of St. Mary le Bone, otherwise Marybone, in the county of Middlesex, Esq; commonly called Lord George Gordon, being a subject of our said Sovereign Lord George the Third, by the Grace of God of Great Britain, France, and Ireland, King, Defender of the Faith, &c. not having the fear of God before his eyes, nor weighing the duty of his allegiance, but being moved and seduced by the instigation of the devil, and entirely with-

withdrawing the love, and true and due obedience which every subject of our said Sovereign Lord the King should and of right ought to bear towards our said present Sovereign Lord the King, and wickedly devising and intending to disturb the peace and public tranquillity of this kingdom on the second day of June, in the twentieth year of the reign of our said Sovereign Lord the now King, at the parish of St. Margaret, within the liberty of Westminster, in the said county of Middlesex, unlawfully, maliciously, and traiterously did compass, imagine, and intend to raise and levy war, insurrection, and rebellion against our said Lord the King within this kingdom of Great Britain, and to fulfil and bring to effect the said traiterous compassings, imaginations, and intentions of him the said George Gordon, he the said George Gordon afterwards (that is to say) on the second day of June in the twentieth year aforesaid, with force and arms, &c. at the said parish of St. Margaret, within the liberty of Westminster in the said county of Middlesex, with a great multitude of persons whose names are at present unknown to the jurors aforesaid, to a great number, to wit, to the number of five hundred persons and upwards, armed and arrayed in a warlike manner (that is to say) with colours flying, and with swords, clubs, bludgeons, staves, and other weapons, as well offensive as defensive, being then and there unlawfully, maliciously, and traiterously assembled and gathered together against our said present Sovereign Lord the King, most wickedly, maliciously, and traiterously did ordain, prepare, and levy public war against our said Lord the King, his supreme

and

and undoubted Lord, contrary to the duty of his allegiance, against the peace of our said Lord the King, his crown and dignity, and also against the form of the statute in such case made and provided. And the jurors aforesaid, upon their oath aforesaid, further present, that the said George Gordon, being a subject of our Sovereign Lord George the Third, by the grace of God of Great-Britain, France, and Ireland, King, Defender of the Faith, &c. not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, and entirely withdrawing the love and true and due obedience which every subject of our said Sovereign Lord the King should, and of right ought to bear towards our said present Sovereign Lord the King, and wickedly devising and intending to disturb the peace and public tranquillity of this kingdom: Afterwards, to wit, on the said second day of June, in the twentieth year of the reign of our said Sovereign Lord the now King, and on divers other days and times, between that day and the tenth day of the said month of June, at the said parish of St. Margaret, within the liberty of Westminster, in the said county of Middlesex, unlawfully, maliciously, and traiterously did compass, imagine, and intend to raise and levy war, insurrection, and rebellion against our said Lord the King, within this kingdom of Great Britain, and to fulfil and bring to effect the said last-mentioned traitorous compassings, imaginations, and intentions of him the said George Gordon, he the said George Gordon, on the said second day of June, in the twentieth year aforesaid, and on divers other days and times between that day and the tenth day of the

the same month of June, with force and arms, &c. at the said parish of St. Margaret, within the liberty of Westminster, in the said county of Middlesex, with a great multitude of persons whose names are at present unknown to the jurors aforesaid, to a great number, to wit, to the number of five hundred persons and upwards, armed and arrayed in a warlike manner, (that is to say) with colours flying, and with swords, clubs, bludgeons, staves, and other weapons, as well offensive as defensive, being then and there unlawfully, maliciously, and traiterously assembled and gathered together against our said present Sovereign Lord the King, most wickedly, maliciously, and traiterously did ordain, prepare, and levy public war against our said Lord the King, his supreme and undoubted Lord, contrary to the duty of his allegiance, against the peace of our said Lord the King, his crown and dignity, and also against the form of the statute in such case made and provided."

When the reading was finished, and his lordship called upon to plead, he answered he had an amendment to suggest, which was, that the indictment might contain an allegation of some specific fact, capable of a direct answer; instead of a vague, general, constructive charge of levying war, and grounded himself upon the statute of the 7 William III. c. 3. which provides, that
 "NO EVIDENCE SHALL BE GIVEN OF
 "ANY OVERT ACT WHICH IS NOT EXPRESSLY LAID IN THE INDICTMENT."
 He referred to the case of Sir John Wedderburne, where he conceived the specific act laid in the indictment, was levying the Excise

under the authority of the Rebels; and concluded, that no inference, intendment, or conjectural implication, could be allowed; that he did not wish a defective or insufficient indictment, but one upon which he might fully answer, his Guilt be proved, or his Innocence demonstrated.

Lord Mansfield, Mr. Justice Buller, and Mr. Justice Ashhurst, represented to the prisoner, that he had not taken the distinction between the charge and the evidence of fact which was to support it; that in Sir John Wedderburne's case, levying of the Excise was not laid in the indictment, but offered in evidence as a proof of levying war against the King: and exception was taken, that it was not evidence to be admitted under that clause, which exception was over-ruled. That here, the levying of war was the overt Act laid in the indictment, the specific acts, amounting to levying of war could not properly be laid in the indictment, but must be given in evidence; and no Acts belonging to any other species of Treason could be given in evidence upon this indictment, so that the prisoner would understand what he had to answer; since nothing could be proved that belonged to any different species of treason, and did not amount to evidence in law of the crime alledged in the indictment.

His Lordship, however, seemed convinced of the validity of this objection, but being told that if it any way invalidated the indictment, he would have the benefit of it on the day of trial: he pleaded Not Guilty, and, in the usual form, put himself on God and his Country.

A rule

A rule was then made by consent, for the trial to commence on Monday, the fifth of February, and the prisoner was re-conducted to the Tower. Accordingly, on the day appointed, Monday, the fifth of February, 1781, Lord George Gordon came down from his apartment to the parade in the Tower, at about half past seven o'clock, and walked directly towards a coach, which was waiting with two ladies in it. The Governor of the Tower endeavoured to prevent him, by calling to him, "My Lord, you must not." His Lordship's feelings, however, were too strong to permit him to obey any other command, he walked forward to the coach, addressed the ladies, and took one of them by the hand; the conversation was short, and the lady wept—it was his sister, the Countess of Westmoreland. His Lordship then went into a coach, attended by the governor, the gentleman jailor, and his two servants behind. There were nine other carriages, in which were the Duke of Gordon, Lord William Gordon, Lord Adam Gordon, Colonel Woodford, and several other friends and relations. There were about thirty foot soldiers, and twelve warders to guard the coach, which passed very quietly through Tower-street. At Gracechurch-street there was a halt, to know whether they were to proceed over London bridge, or through the city, they were ordered to take the latter route, and the people, assembled in St. George's Fields to see him pass, were disappointed. They went through Watling Street, &c without the least tumult, and arrived at Westminster-hall about a quarter before nine, where they found the gate shut, and was

only opened to receive Lord George and his attendants. Some time after it was thrown open, and people entered promiscuously. The jurors were obliged to wait in the Hall till their names were called over and re-called, and the croud became very great, but orderly.

Lord George was dressed in black velvet and white stockings, his hair strait, but powdered; he looked pale and thin, but very calm and collected. While the names of the jury were calling over, Mr. Kenyon applied to the court for permission for the prisoner to sit down, to which Lord Mansfield replied, "Yes, certainly." He was seated on the right hand of Mr. Erskine, in the middle of the second bench, commonly allotted to the counsel.

The jury were then called over at the window, to mark the names of those who appeared, and Lord Mansfield observed, that this was not to be considered as a regular call, this point having been litigated in the case of *LAKES*. The jury were then called and chosen, after the following manner:

William Alwick, of Portman-square, was the first who appeared.

Mr. Kenyon asked him if he was a freeholder of Middlesex? He answered that he was not, and therefore he was set aside.

William Festa informed the court that he was sick, and therefore was excused.

Roger Griffin, of Islington-Road, peremptorily challenged by the prisoner *.

John

* The law of challenges, in cases of treason, is as follows:
Challenges may be made either on part of the King, or on part

John Dawes, of Illington, a peremptory challenge.

Nathaniel Clarkson, Esq; a peremptory challenge.

Thomas Saunders, of Highgate, no freeholder.

James King, no freeholder.

Henry Horace Hales, agreed between the parties not to serve.

John Peter Blaquiere, a peremptory challenge.

Robert Vincent, of Hampstead, a freeholder less than 101. challenged by the crown.

Thomas Collins, of Berners-street, admitted and sworn.

Thomas Perry, no freeholder.

— De la Mayne, no freeholder.

Henry Hastings, of Queen-Anne-street, admitted.

James Colbert (he was asked by Mr. Kenyon if he was a member of the church of England; he answered that he was;) a peremptory challenge.

John Horsley, a peremptory challenge.

George Friend, no freeholder.

part of the Prisoner, and either to the whole array, or to the separate polls.—*Foster*, 250.

The word *peremptory* signifies the power to challenge without shewing cause; or, in other words, without assigning any reason.

Peremptory challenges, though granted to the Prisoner is denied to the King, by statute 33 of Edward I. stat. 4. which enacts, that the King shall challenge no juror, without assigning a cause certain, to be tried and approved by the court. However, it is held that, the King need not assign his cause of challenge till the panel is gone through; and unless there cannot be a full jury without the persons so challenged, and then, and not sooner, the King's counsel must shew cause.—2 *Hawkin's Crown Pleas*, 413. 2 *Hale's Crown Pleas*, 271.

The boundary settled by the common law is to the number of thirty-five; that is, one under the number of three full juries.

But the prisoner has a right to challenge as many jurors as he pleases, over and above thirty-five, shewing the legal cause.

John

John Marshall, peremptory challenge.
 Thomas Proctor, peremptory challenge.
 Richard Parker, no freeholder.
 William Harrison, no freeholder.
 — Carrat, no freeholder.
 Thomas Brown, peremptory challenge.
 Thomas Brae, peremptory challenge.
 Edward Hulse, admitted.
 — Ahmuty, no freeholder.
 — Kingston, no freeholder.
 Edward Pomfret, admitted.
 — Spirkman, no freeholder.
 Ged. Garfield, admitted.
 Robert Mackie, challenged by the Attorney-
 General.
 Joseph Pickles, admitted.
 — Pitt, no freeholder.
 Peter Misley, peremptory challenge.
 Charles Digby, peremptory challenge.
 Thomas Sayre, no freeholder.
 Edward Gordon, admitted.
 John Milward, challenged by the Attorney-
 General.
 William Daling, challenged by the crown.
 John Perry, peremptory challenge.
 Joseph Hankey, ditto.
 — Shakespeare, ditto.
 Robert Buttery, challenged by the Attorney-
 General.
 Thomas Flight, ditto.
 Marmaduke Peacock, admitted.
 Daniel Ball, no freeholder.
 Francis Degon, admitted.
 James Scott, challenged by the crown.

Simon

Simon Le Sage, admitted.
 Stephen Pitt, challenged.
 Robert Laythrop, no freeholder.
 Tho. Ayliffe, no freeholder to the amount of 10l.
 Robert Armitage, admitted.
 James Trimmer, challenged.
 Thomas Branley, ditto.
 John Bullock, no freeholder.
 ——— Moore, no freeholder.
 Edward Ellicott, challenged.
 Henry Atkins, no freeholder.
 Robert Walcott, ditto.
 James Manwaring, challenged by the crown.
 John Rix, admitted *.

The special jury being sworn, the prosecution was opened by Mr. Norton in a short speech, stating the nature of the crime laid in the indictment.

Mr. Attorney General then entered more minutely into the nature of the offence. He distinguished two sorts of treason, one direct, and the other constructive, and explained the noble lord's crime to be of the latter species. He afterwards stated the rise and progress of the repealing bill, which had been the cause of so much mischief; pointed out the cruelty and inhumanity of the 11th and 12th of William, which had doomed an unoffending part of the same community, to perpetual imprisonment, and deprived them of their inheritance, for conscience sake. Such a law, if at all justifiable, was only justifiable by necessity—but the necessity did not exist any longer: he quoted

* For a compleat list of the jury see page 4.

bishop Burnet's account of that bill, setting forth,
 that it had passed in an unaccountable manner,
 and contrary to the very intention of the parties
 who introduced it into the house. It originated in
 a faction, who framed it in so severe a manner,
 that they thought the ministry, or the upper house,
 would oppose, and so create some enemies to it;
 but they were deceived, for the crown and the
 lords agreed to the bill, contrary to their hopes.
 Such a bill was a disgrace to our nation: one of
 the best men in it, a friend to civil society, and a
 staunch supporter of the protestant religion, Sir
 George Savile, brought a bill in to repeal it; and
 so unanimous were the legislature on that head, if
 there were any objection to it, it was that the bill
 did not go far enough, as it left several other pe-
 nalties inflicted by prior acts yet unrepealed. He
 stated, that the relief this act gave was merely
 conditional. In order to obtain any benefit by it,
 there was an oath required as a pledge of the peo-
 ple's loyalty, renouncing, in the strongest terms,
 all civil and temporal authority of the pope or fo-
 reign potentate, in these realms, and abjuring all
 pretensions of the abdicated family of the house of
 Stuart, or any other pretender. Under this act
 many, he said, took this oath, and no one was
 dissatisfied until there was a talk of carrying the
 repeal into Scotland. This produced an insurrec-
 tion at Edinburgh in the year 1779, where several
 houses and chapels were burned. And to quell
 this, the interference of the magistrates, and aid
 of the military, were found ineffectual, until the
 provost of Edinburgh pledged himself that the
 measure was given up. He mentioned this, be-
 cause

cause it had some relation to the affairs of the present case, as he would afterwards shew. He acknowledged the right of the subject to petition the legislature. It was inherent in the constitution, and, he believed, nothing was at first intended by the protestant association, but a decent and rational exercise of that right; until about the 2d of June, when by hand-bills and inflammatory advertisements, a multitude, or rather, a very large army, amounting to thirty or forty thousand men, was collected together in St. George's fields; who, though they had a right to petition, had not a right to interrupt the deliberations of Parliament. He then mentioned the disposition which had been made of those men, the London, the Westminster, Southwark, and Scotch divisions, who were marshalled in regular order, and took possession of the lobby and avenues to the House of Commons. Some members of both houses were used ill; perhaps to shew what others were to expect, if they did not comply with the purposes of the petition. The petition being presented, their legal purpose was answered; and if their intentions were decent, they should have retired; but instead of that, they remained about the House, and in the lobby, keeping the members confined till six in the evening, in the most disgraceful situation; after which they adjourned to Tuesday, and obtained their liberty only by the interference of the civil and military power united, which drove away the mob.

After this, they attacked the chapels of ambassadors, which should always be held sacred in every civilized country. Thirteen of the rioters

D

were

were in consequence apprehended; but on Saturday the mob paraded again, and did more mischief. On Sunday they destroyed a chapel in Moorfields; demolished several houses, and burnt the effects. On Monday several were examined, and five were committed to Newgate, though the magistrates had great difficulty to prevent a rescue. In consequence of this, the houses of Rainsforth and Maberly were attacked and gutted, and their effects burnt.

On Tuesday they again surrounded the House, till they were obliged to adjourn; this army, regularly arrayed, and led on with banners flying, attacked and demolished the house of Mr. Justice Hyde, and burnt his effects, whose only offence was his activity in saving the life of Lord Sandwich. Thence they proceeded to Newgate, burnt Mr. Akerman's house and effects, and delivered all the prisoners from a goal, which was of such strength, that one might as well have supposed it possible for them to be delivered from the center of the earth. Having burnt this prison, they proceeded to others. The house of Sir George Savile also, the author of the obnoxious bill, shared the same fate; and it was astonishing, that the whole capital did not fall in a general conflagration; for had the papists of the metropolis, many of whom are of the more laborious employments, joined to retaliate the injuries done to their innocent and persecuted brethren, it was impossible to say where the horrors might end. Their next attack was still more terrible: it was an attack upon the national credit—a whole people's property—an attack upon the Bank.

Having

Having stated this progress of the insurrection, an eternal disgrace to this country, he proceeded to shew the share which the prisoner had in it, by inciting and contributing to the general tumult. "And now," said he, "gentlemen of the jury, you have before you the great criminal, and grand cause of all this calamity!"—He then stated his being President of the Protestant Association, whose original intention he allowed to have been peaceable, but which afterwards imbibed from him a very different disposition. The prisoner was but too well acquainted with the sentiments of parliament, to expect really an immediate repeal of the act in question; yet he advertised a meeting of all sorts of men, who would, no doubt, be numerous from the hope of plunder. He declared he would not present the petition, without he was attended by forty thousand persons; desired they would wear cockades, to distinguish them, and all that wore cockades were welcome. He made an excellent disposition of this numerous force, placing one division to the right, another on the left, &c. ordering the Westminster division to march one way, the Southwark division another, the London division a third; and desired them to recollect what the Scotch had done by their firm conduct. This hint was pretty intelligible to a multitude, and they as readily took it. He told them, he did not desire them to encounter any danger, that he was not ready to share with them; that he would meet them there, and was ready to go to the gallows with them!—He then adverted to the advertisements published by the prisoner, on that occasion, stating that—

"Whereas no hall in London will contain forty thousand people, that therefore the association should meet on Friday the 2d of June in St. George's Fields, to consider of the most prudent and respectful manner of presenting their petition, &c." Also the resolves—"That for the sake of regularity and good order, they should assemble in divisions, with cockades, to distinguish themselves from papists, &c.--that the magistrates of London, Southwark and Westminster should attend--to prevent any one from disturbing the peaceable behaviour of forty thousand men;" and what added, he said, to the ridicule of this resolution, the people were to assemble on a spot where none of those magistrates had power to act.

At the head of this army the prisoner had appeared with a cockade in his hat. By his order they were marshalled; and whether he went with them, or met them, it was all the same; he might have prevented them from going; for they called to him to know whether they should go or not? He then took up the business in the lobby of the House of Commons: there they impeded the members in their duty, by refusing to leave the lobby, that the House might divide. And in this the prisoner was greatly instrumental, for he told them "the House was going to divide *against* them, but they might do as they pleased." He was applied to over and over again, to desire they would disperse; but he would not do so. On the contrary, he reminded them of what the Scotch had done. He told them the magistrate was sent for--but he was a petitioner; the guards were sent for, but they had nothing to fear. It was impossible

impossible these suggestions, guarded as they were, could be misunderstood by the multitude; but lest they should, he added, that as soon as his Majesty should hear of the insurrections, within 12 miles of town, he would give orders to his ministers to have the act repealed.

He then spoke of the advertisement which appeared on Wednesday, as being still more artful and malignant. It stated, "that Lord George Gordon had attended in the city to harangue the multitude, but not being able to give them any assurance that the bill would be repealed, it was impossible to suppress the tumults." He afterwards mentioned, as a strong proof of the prisoner's being the avowed leader of the insurgents, "that he had signed protections for certain merchants in the city, to preserve their houses from the attack of the rabble." He contended that the repeal of the obnoxious act could not be the sole object of this plan, but that it must have been fomented by foreign emissaries, and that the prisoner was the sole contriver of it. He hoped, therefore, if he made all this appear in evidence, as he trusted he should, the jury would give such a verdict as might be a lesson to after ages, that no man, however high in rank or circumstances, would be suffered to violate the laws of his country with impunity; and concluded with saying, from the evidence of the witnesses which I shall now call, gentlemen, not from my assertions, you are to be governed in giving your verdict*.

* Whilst the Attorney-General was delivering this speech, some of the Jury were observed taking notes of it; when Lord Mansfield desired they would take no notice of it, but attend solely to the evidence that should be given.

William

William Hay, (first witness examined.)

I know the prisoner. On the 7th of January, 1780, I saw him at Coachmakers-hall, and other places, five or six times before the 2d of June. I saw him at Greenwood's Rooms, the Crown and Rolls in Chancery-lane, and St. Margaret's-hill, Southwark, to which places the Protestant Association had adjourned. I heard the prisoner announce, to a crowded assembly at Coachmakers-hall, on the 29th of May, that the Associated Protestants amounted to upwards of 40,000; that the 2d of June was resolved upon as the day to present the petition; that they should meet on that day at ten in the morning, in St. George's-fields, in four separate divisions, or columns, arrayed, or dressed, in their best cloaths, and with cockades, one of which he should wear, to distinguish them from others who were papists, or friends to papists; he gave orders how the different bodies should take their ground. I do not know the exact situation of the divisions, but I think the London was to go to the right. I recollect that at a meeting held at the Crown and Rolls before this time, he read over the acts relating to the papists; and observed that his Majesty, by giving his assent to the Quebec, and other acts, was or had been brought by his counsellors, into the same predicament with James the Second after his abdication. The prisoner also read the coronation-oath, and said it was his opinion, that the King had made a breach of that oath. He observed that the people in this country had not minced the matter; they spoke out, and avowed their minds freely. — I was in St. George's Fields on the second of June,

June, but not among the mob; I saw the prisoner there, I had never seen so many people together before; they had blue cockades and banners, with the words "No Popery! Protestant Association," written upon them. I saw the prisoner haranguing the mob, but I was not near enough to hear what he said. I came home to my house next to St. Dunstan's church, and saw them march through Fleet-street, with cockades and banners. I was afterwards at the House of Commons, and in the lobby I saw the same kind of people with cockades. It was much crowded, the constant chime was, "Lord George Gordon." I saw the prisoner leaning from the gallery over the lobby, he spoke to them, and exhorted them to be stedfast in so good and glorious a cause; and said, though there was little expectation from the House, they would meet with redress from their mild and gracious Sovereign. I saw one of the flags at the burning of the Fleet Prison, with the words "No Popery" upon it, which I had seen in St. George's Fields; it was carried by the same man who had it in St. George's Fields, and at the House of Commons—the flag pointed him out to me to be the same man. I was at the Sardinian chapel on the Friday night about ten o'clock, and I saw many people who cried, "No Popery," and had blue cockades; some few were doing mischief in the chapel, but I did not see that they had cockades: the man who did the principal mischief had no hat on. The people without seemed to encourage them. I was at Langdale's, there was the same cry of "No Popery."

Q. What

Cross Examination.

Q. What are you, Sir ?

W. A printer on my own account, and have been a bankrupt.

Q. Was the prisoner at all the association meetings you attended ?

W. Not at all; he was at Greenwood's once, and the Association was there once without him.

Q. Are you sure the prisoner was at Greenwood's ?

The witness begged leave to refer to his notes, which was granted him.

W. I find I was mistaken, the prisoner was not at Greenwood's.

Mr. Kenyon, upon the witness's desiring leave to refer to notes, asked him how he came to take notes, and go to the meetings ?

W. I thought what would be the consequence of the meetings, and I went on purpose to observe. I never go to any meeting without a motive, and taking an account of what passes.

Q. When did you first apprehend these consequences would ensue ?

W. At a meeting on the 20th of February, but I took notes from the first.

Q. Did you ever, and when, take notes of any other meeting, upon any other subject, which you were at ?

W. Yes, many times ; I did so at the general assembly of the church of Scotland, more than twenty years ago.

Q. What time did you come to the lobby of the House of Commons ?

W. I think about six or seven ; but I was confused, and cannot be very certain.

Q. Were

Q. Were there not many persons who came there out of curiosity?

W. There might be some, but not many. I went there, thinking some of my friends might be in danger; but what friends in particular I cannot say. One Mr. M'Millan went with me to the Sardinian chapel; we were coming through Covent Garden; some people said they were burning the chapel, upon which we went there.

Q. How do you know that the flag which you saw in St. George's Fields, was the same that you saw in Fleet-street, and afterwards near the House of Commons?

A. The flags passed by me as I was in the road in St. George's Fields. My house is next to St. Dunstan's church: I stood upon the leads, and saw them pass by there. I think the man that carried the flag had black hair, and looked like a brewer's servant in his best cloaths.

Q. Why do you think he was a brewer's servant?

W. I think so from his cloaths. I have no other reason.

Q. Of what religion are you?

W. I am of the church of England.

Q. You say you had formed an opinion of what would be the consequences of these meetings: Did you ever communicate that opinion or your thoughts upon the subject to any one?

The witness hesitated for some time, as unwilling to name the person, but at last said, I sent my thoughts in writing to Mr. Butler, of Lincoln's-Inn. I have heard he is a Roman Catholic, but I don't know it.

E

William

William Metcalfe (second Witness) examined.

I know the prisoner. I was at Coachmakers-hall the day when the meeting in St. George's fields was fixed upon. The hall was full. I did not then know the purpose of the meeting, only that the prisoner was to be there. He was speaking when I came in. I heard him desire the Association to meet him in St. George's fields on the second of June. He said the Scotch had succeeded by their unanimity, and he desired they would be unanimous; that no one who had signed the petition should be ashamed or afraid to shew himself in the cause; that he would not present the petition, or he begged leave to decline presenting it, unless he was met in St. George's fields by twenty thousand people; and he recommended to them to come with some proper mark of distinction, such as a blue ribband in their hats, that they might be able to distinguish their friends from their foes, and he would be answerable for any of them that should be molested for meeting there, for that he wished so well to the cause he would go to the gallows for it, or in it; (which was the expression the witness could not speak to with certainty) and that he would not present the petition of a lukewarm people. He told them when they met in the fields, to separate in four divisions, and each to take one quarter of the fields. I was there about half past ten: there were four columns, and one was formed eight or nine a-breast: many of them had ribbands in their hats; the prisoner was surrounded by a vast number of people, to whom he was speaking, but I was not near enough to hear what he said.

Cross

Cross Examination.

Q. Are you certain as to the expression of the prisoner, that he would go to the gallows in the cause?

W. I am not sure as to the exact expression; but he said he was ready to go to the gallows, or to death for it, or in it, or to that import.

Q. How long were you in St. George's Fields?

W. I was there about a quarter of an hour.

Q. Where was the prisoner?

W. At the upper end of the fields.

Q. Did you hear what the cause of the meeting was?

W. I did not; but I understood it to be the cause of the Protestant Association.

John Anstruther, Esq;

I was at Coachmakers-hall at the end of May, 1780; I saw the prisoner there; I understood him to be acting as president; and from what I heard him say, I took the purpose of the meeting to be to consult them about presenting their petition to the House of Commons. He desired them to meet him in St. George's Fields; and he said, if there was one less than twenty thousand people he would not present the petition; as, without that number, he did not think it would be of consequence enough: If there were fewer, they must find some other person to deliver it. He reminded them of the example of the Scotch, who, by their firmness, had carried their point; and he recommended firmness to them. He concluded with telling them, he did not propose any danger to

them he would not share himself; and that he was ready to go to death for the protestant cause.

Lord Mansfield. Did he say "death?"

W. I rather think the word was "gallows."

He desired all true protestants, and friends to the petition, to distinguish themselves by blue cockades, that he would meet them in St. George's-fields; and that when they came there, the London division should take the right, and the Scotch the left. The arrangement of the other divisions I don't recollect. I was in the Lobby of the House of Commons, and saw the prisoner leaning over the Gallery which looks into the Lobby; I heard him address the people from that place; he told them they had been called a mob within the House, and that peace-officers had been called in to disperse them (I think he said) "peaceable petitioners;" that the officers had given no reason to the House why they had not dispersed them, but he believed the peace-officers had signed the petition; that certain persons had mentioned within the House about calling in the military, he hoped they would not think of take a step of that sort, as it would infallibly tend to create great divisions amongst his Majesty's subjects; and then he went on stating the impropriety of calling in the military in a free country. He again mentioned the conduct of the Scotch, as he had done before, and that he had no doubt that when his Majesty heard what discontents there were, and that his subjects were coming up from miles round, he would send to his ministers to get the Bill repealed. There was great confusion in the Lobby, and several people called upon the prisoner to know

know whether he desired them to disperse; he answered, I will tell you how the case stands:—The question has been put, whether your petition shall be taken into consideration now or on Tuesday; there are *for* taking it into consideration *now* myself and a few others; if your petition is not heard *now* it may be lost; for to-morrow the House does not sit—Monday is the King's birthday, and by Tuesday the Parliament may be prorogued or dissolved. The people addressed by the prisoner had blue cockades,

The Rev. Thomas Bowen.

I officiated as chaplain to the House of Commons, on the 2d of June, 1780; I went with the speaker; the lobby was crowded, and the people were clamorous. After prayers were over, I went and sat under the gallery, by the door: the tumult in the lobby continued; and whilst the House was deliberating what method they should take to quell it, I saw the prisoner frequently go to the door; and heard him repeat, to the people in the lobby, what different members had said in the debate. He said, the speaker has just said, "you are all come here under the pretence of religion," but you are good people. He added, "Mr. Burke, the member for Bristol, has said"—The door was then shut, and I heard no more. He afterwards said, "Mr. Rous has just moved, that the civil power be sent for," but keep yourselves cool, and be steady. At another time he said, "Lord North calls you a mob." I saw a gentleman go up to the prisoner, then standing at the

the door, who seemed to me to be persuading him to return to his seat. As soon as the prisoner saw who it was, he called out to the people, "this is Sir Michael Le Fleming, he has just been speaking for you." The prisoner seemed extravagantly pleased with him, and stroked or patted him upon the shoulder, and expressed great joy in his countenance, such as I don't know how to describe. When the question was called for in the House, I went out. During the confusion occasioned by the people refusing to quit the lobby, I was in an adjoining room, and saw some gentlemen persuading the people to retire. One of them asked me to speak to them: accordingly, I spoke a few words, and told them, that they hindered their own business. I heard a person in the lobby say, very distinctly, that if the prisoner would come, and say it was necessary for them to go, they would go. Afterwards I went up into the eating-room; and while I was sitting at the table, the prisoner came into the room, seemingly much fatigued. Soon afterwards there was scarcely any one left besides the prisoner and myself; and I thought the opportunity so favourable, that I could not help telling him what had been said in the lobby, and that I believed it depended only on him to disperse them: the prisoner made no answer, soon afterwards he left the room, and I followed him into the gallery. Observing his Lordship was about to address the people, I got as near him as I could; he advised them to be quiet, peaceable, and steady, for his Majesty was a gracious monarch; and, said he, when he hears that his people for ten miles round are collecting, there is no doubt but that he will send

send his ministers private orders to repeal the Bill. He then mentioned the intention to introduce the repeal of the popery acts as to Scotland; the Scotch, he said, had no redress till they had pulled down the mass houses, and that when they had pulled down the mass houses they had redress; that Lord Weymouth then sent positive assurances, that the act should not be extended to them. And why should they, said he, be better off than you? He told them to beware of evil minded persons, who would mix amongst them, and incite them to do mischief, the blame of which (I think he said) will be imputed to you. A person in the lobby asked the prisoner, if it were necessary for them to retire.

Q. A Jurymen. Had that person a cockade?

W. I did not see the person. I will tell you, says the prisoner, how the matter is. The question was put (I believe the prisoner said that he moved it) that your petition should be taken into consideration this night; it was clearly against you, but I insisted upon dividing the House. No division can take place while you are there, go or not, I leave it to yourselves. Then he asked me if I would speak to them, I said by no means; your Lordship is the only person who can speak to them with any good effect. The prisoner then took me by the gown, and said to the people, this is the chaplain to the House of Commons, and desired them to ask me what was my opinion of the popish acts, and urged me to give it. I replied with warmth, that the only opinion I should give, was, that all the consequences of that night would be entirely owing to his Lordship. Several gen-

tlements

men who were about us repeated my words. The prisoner made no reply, but went into the House. The lobby was full of people, but I did not observe whether they had cockades; the prisoner had a blue cockade. They often called, "Lord George Gordon, Repeal! repeal!" Their conduct was clamorous, but I do not know that they committed any particular act of violence. I staid till the House broke up; I wanted to go away earlier, but could not. At the time the House broke up, the passages were clear; I don't know how they were cleared, but I saw some soldiers there.

Cross Examination.

Q. Did you take any note, or minute, of what you have now said?

W. I sent the Speaker an account of what past.

Q. Were you, in this confusion, so composed as to know clearly what past?

W. I was perfectly composed; and I had no apprehensions of any danger, until, or except, when the prisoner asked me my opinion of the Popish acts.

John Cator, Esq;

On Friday the 2d of June, as I was going from some of the committee-rooms to the gallery over the lobby, I found the lobby full, and the House was under a question, which they could not decide, as the officers of the House were not able to clear the lobby. There, in the passage, at the top of the stair-case, I saw and heard a person in the lobby call aloud "Lord George Gordon" two or three times. I turned round, and saw the prisoner

soner near me; who, on hearing himself called, came to the rails, and looked over. I did the same close to him. The same person said, "My Lord, we are ordered to clear the lobby; if your lordship wishes we should clear it, we will do it directly, and without trouble." The prisoner replied, I will tell you how the case stands: I have moved to have your petition taken into consideration now; there is Alderman Bull, and two or three more, for it; the rest are against it. Do you wish to have your petition considered now? All the people in the lobby were silent and attentive while the prisoner was speaking; but as soon as he had said this, they cried out, "Now, now." He leant over the rails afterwards, and said, "Would not you wish to be in the same situation they are in Scotland?" They answered, "Yes, yes." He replied, "Well, well."

Joseph Pearson, a door-keeper of the House of Commons.

I was in the lobby on Friday the second of June; there was a great crowd, and many of the people had blue cockades in their hats; they halloo'd and cried out, "No popery; Repeal, repeal." The prisoner came to the door several times, and told them that he would come out and let them know what passed in the House; that they had a good cause and nothing to fear.—He came out once and told them, that Sir Michael le Fleming had spoken like an angel—He desired them to behave quietly and peaceably, and waved his hand for them to make room and let members pass to the

F House.

House.—The mob was got out of the lobby about nine o'clock, but so great was the confusion I cannot say how it was cleared.

Thomas Baker, another doorkeeper.

I was at the House of Commons that day by twelve o'clock :—there were many people there, who were then quiet, but afterwards they were riotous, and called out to the members as they were coming into the House, “ Repeal, repeal—“ no popery.” The guards came before the lobby was cleared.

Sampson Wright, Esq;

I am a justice of the peace for the county of Middlesex. I came down to the House about two o'clock; the people were then quiet. I returned again about four, and I was ordered to clear the avenues of the House of Lords. I desired the door-keepers to collect together what constables they could, and I went to the Guildhall, Westminster, for the same purpose. When I came there, I found the windows much broken, and many people about the Guildhall, as if seeking for somebody. There was the greatest crowd I ever saw. I returned to the House of Lords to make a report that I could not do any thing for want of strength. I was ordered to go for the guards; accordingly I sent to the Horse-Guards, St. James's, and the Savoy. I afterwards went to the House of Commons; the House of Lords was up; the guards came, and at last I cleared the lobby and the avenues: it was past eight o'clock before they were cleared.

Sampson

Sampson Rainsforth.

I was in New Palace-yard, Westminster, on Tuesday, the second of June; a party of about two hundred came over Westminster-bridge, and about two o'clock the whole *Cavalcade* came from Charing-cross down to New Palace-yard, with flags and music; they had blue cockades in their hats. I went to the Lobby of the House of Commons, and saw the prisoner standing in the door-way of the House. The people in the Lobby were such as had passed through New Palace-yard. I heard a person instruct the mob to say, "Repeal the bill," but I did not hear the prisoner say any thing. About eleven o'clock at night word was brought to the house where I was at supper with two or three friends, that the mob was burning the Sardinian chapel. I said to my friends, if they would go with me, I would go to the chapel, and endeavour to stop the mischief; and that I thought we should be able to do so if we exerted ourselves, as I believed them to be a set of fellows who would soon run away; accordingly we made our way to the chapel; they were then destroying it; there were not more than five or six in the chapel. I seized one of them, but afterwards he was rescued by the mob.

Mr. Kenyon objected, on the behalf of the prisoner, that this evidence was not admissible, and that what was done by the people at the chapel could not possibly affect the prisoner.

Lord Mansfield said it was proper evidence, for it proved the violences that had been committed, and went to shew that they endeavoured to procure a repeal of the bill.

Witness. There were many people about the chapel, and their cry was--No Popery: they had blue cockades in their hats. I sent to the Savoy, and got a guard. When they came they surrounded the chapel, and I desired that all that were in it might be seized: we took about thirteen, and the mob was dispersed. The persons whom we had taken were examined the next morning; they were again examined on the Monday; but I did not give any evidence against them: the inside of my house was pulled to pieces, and my furniture was burnt.

Charles Jealous.

I acted as constable on the 2d of June, and I was in Palace-yard, Westminster. I saw a great many people, and a carriage coming down towards the Parliament House, which, I was told, was the bishop of Lincoln's; it was stopped by the mob, and the wheels were taken off. I saw a gentleman taken out of it, who, they said, was the bishop: they pulled off his wig, and struck him in the face, crying at the same time, "No Popery." He got into a house in order to escape. The people who pulled off the wheels had not cockades,

Patrick M'Manus.

I was at the Guildhall in King-street on the 2d of June; I was sent for from Bow-street; I saw a gentleman running through the passage, followed by people, crying out, "No Popery." I don't know who the gentleman was, but I heard it was Mr. Welbore Ellis. The people searched after him, and broke down a door leading into a passage,

sage, where they said he was gone through, but they did not find him.

David Miles.

I am a constable. Upon hearing that a mob was burning the chapel in Warwick-street, I went there at past eleven o'clock, from the House of Commons. I came to my own house, but the mob was gone from Warwick-street before I got there. I took a man to be examined at Bow-street, for burning or robbing the chapel. My house was afterwards burnt by the mob.

Thomas Gates, the City Marshall.

There was a great disturbance on the evening of Sunday the 4th of June, in White's-alley, Moorfields. I was there. Three houses belonging to persons reputed to be papists, and the popish chapel, were burnt. They came again on the Monday to finish the mischief. The persons on each day had blue cockades, in general, and the cry was—"No popery."

William Hyde, Esq;

I am a Justice of the Peace for Middlesex. I was at the Bavarian Chapel, whilst it was destroying; as soon as I came to Warwick-street, I saw many people with blue cockades. I knocked down a man that was bringing something out of the chapel; the cry was—down with it, no popery. I had about twenty soldiers with me, and we dispersed the mob. I was also at the Sardinian chapel on the Sunday, and saw the outrages committed there. I cannot say whether those people had blue cockades or not. Information came to me, on the Monday, that the mob was going to destroy Sir George Savile's house, in Leicester-fields;

fields; upon this I immediately sent for the military; some of the horse came, and they, under my direction, dispersed the mob. They cried out "No popery." On the Tuesday a great multitude were assembled in Palace-yard, and the streets leading to the Houses of Parliament; several carriages were stopped in New Palace-yard, which I set at liberty. Information was brought to me, that Lord Sandwich had been stopped in Parliament-street; I went immediately with the light horse, and found the mob round about him; his carriage was broken, and he had been cut on the left-side of the head, by some of the mob; I rescued him, and took him home; I then came back into Parliament-street, cleared it as well as I could, and got into Palace-yard again. The mob cried "No popery." They had blue cockades in their hats, and flags flying, and about three o'clock they had got some weapons, that is, some large faggot sticks, and there were many thousands of them. My house in St. Martin's-street was destroyed on the Tuesday night, and my house at Islington on the Wednesday.

Cross Examination.

Q. Did you see the people cut my Lord Sandwich in the face?

W. I did not; it was done before I came. I heard one man swear that he would murder him, but I don't know who he was.

Lord Portchester.

There was a great assembly of people at the House of Commons, who had blue cockades. I
saw

saw the prisoner, on the Friday, in the House only. On the Tuesday he had a blue cockade in his hat.

John Lucy.

I was in Palace-yard in the evening of Tuesday. There was a great mob, who had blue cockades in their hats. They cried out, "No popery," and had three flags with them. One James Jackson carried one of the flags: he waved it, and called out, "To Hyde's, ho! destroy his house for ordering the horse to ride in amongst us." I went to Hyde's house, and saw the same Jackson there with the flag. Goods were thrown out of the house and burnt, and the inside pulled to pieces. The same man afterwards called out, "Ho! for Newgate, and let out the prisoners." I saw the mob and him there with the flag.

Barnard Turner, Captain of the London Foot Association.

On Wednesday the 7th of June, about six or seven o'clock in the evening, the Military Association were under arms. They marched into Broad-street, where the mob were destroying a house. I halted. I was commanding officer. I spoke to the people, and endeavoured to disperse them by words, but, finding that ineffectual, I was obliged to order the Association to fire. They fired for four or five minutes before the mob dispersed: they then marched to St. Catharine's, where the mob were burning another house. The Association were employed on the Wednesday and on Thursday morning, in marching after the mob, who were armed with bludgeons, iron bars, and some

some with cutlasses and fire-arms ; but chiefly with bludgeons and iron bars. The Association assembled on Thursday morning, when Cheapside was filled with mob ; but then they had no arms. The common cry at all these places was, " Down with the Papists ! No Popery ! "

Richard Pond.

This witness was shown a paper, which was to this effect ; " All true friends to the protestants will do no injury to the houses or property of good protestants ; and I am assured, the proprietor of this house is a staunch friend to the cause. "

Signed, G. Gordon.

I saw the prisoner sign this paper. When the mob came to my house I shewed it to them, and my house was not pulled down. I do not live in the house myself, but I let it to a tenant.

Cross examination.

Q. When was this paper signed ?

W. On the Wednesday.

Q. How did you get it signed ?

W. I applied to the prisoner, who was in his coach, and Alderman Pugh was with him. I brought the paper with me ready written.

Q. Why did you apply to the prisoner to sign this paper ?

W. Because I thought it would be of service to me—my tenant is a papist.

Q. Do you know that that paper was the means of saving your house ?

W. I cannot say whether it was, but I shewed it to the mob, and my house was not burnt.

Q. How

Q. How came that paper out of your custody?

W. Mr. Wilkes applied to me for it, and I let him have it.

John Dingwall.

This witness was called to prove the handwriting of the prisoner, but he said he had never seen him write, and though he acknowledged he had known the prisoner from his infancy, he persisted that he had never seen him write.

Mr. Erskine was going to examine this witness, with respect to some conversation which passed between him and the prisoner the day before the 29th of May, which would prove his Lordship's motives for proposing the meeting in St. George's Fields on the second of June.

This evidence was objected to.

Mr. Kenyon contended, that as the noble Lord's intention constituted the guilt or innocence of his conduct, words spoken by his Lordship were very proper evidence of that intention; and as evidence of the noble Lord's expressions had been admitted to criminate him, it was only just that he should be permitted to give evidence of those tending to his justification.

Lord Mansfield: You cannot go into evidence from what the prisoner said about his designs, unless connected with words which have been proved against him. A man's motives cannot be proved by his own declarations. They may be proved against him, but not for him.

Mr. Metcalfe was again called, and delivered into the court an extract from the journal of the House of Commons. I examined this paper with

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the journal of the House of Commons, and it is a true copy. The paper was read; it was a copy of the journals of the House, containing Sir George Saville's motion for the bill, to repeal part of the act of William III. and the several proceedings of the House upon that motion, to the time the bill passed that House.

The council for the crown then called General Skeene to prove the riots in Scotland. The prisoner's counsel objected to this evidence—that it was extraneous to the prisoner's conduct, and he had no connexion with the riots in Scotland, if there had been any.

The Attorney General contended, that the said evidence ought to be admitted; for as it had been proved that the prisoner had often alluded to the conduct of the Scotch, and set it up as an example to the Association here, evidence to shew what that conduct was became necessary.

Lord Mansfield read some of those expressions which had been proved, and delivered the opinion of the court, “that the evidence which had been offered ought to be admitted.”

General Skeene.

I was at Edinburgh in the month of February 1779; there was a great disturbance, and the mob pulled down and burnt the Popish chapel, and the house of a Popish priest, called Bishop Hay. Their cry was, “To pull down popery.” I believe the military were called in to quell the mob.

Cross

the journal of the House of Commons, and it is a true copy. The paper was read; it was a copy of the journal of the House of Commons.

Cross examined.

Q. Did you see the house or chapel set on fire?
W. I did not; I knew nothing of the motives of the mob, but from what I heard.

Hugh Scott.

I was at Edinburgh in the year 1769; there were great riots; and much mischief was done; but I did not see it done.

Robert Grierfon.

I am a servant of the Duke of Buccleugh; I was in Edinburgh in the month of February 1779, and saw a Roman Catholic chapel burning; I was about two hundred yards distant, but I did not see it set on fire.

William Mackenzie.

I was at Edinburgh in February 1779; I saw the Popish chapel there on fire; there was a great mob about it, but I did not see it set on fire, nor do I know who did it.

Mr. Attorney General. My Lords, I have other witnesses which I could call to prove the burning and destruction of the prisons and houses in and about the metropolis; but as general evidence has been given of the proceedings of the mob, and what they did is publicly known, I will not trespass upon the patience of your lordships and the jury, but rest the prosecution on the evidence which has been given.

The Prisoner's Defence.

Mr. Kenyon opened the prisoner's case, by observing, it was very much to his disadvantage, for that, as the Attorney General had said, he was going to enter on his defence at a time when the court and the jury were fatigued, and their patience exhausted with the tediousness and toil of the day. The noble prisoner also laboured under another very material disadvantage, which was, in having a counsel very little accustomed to criminal process; and who felt his mind very much agitated under the pressure and weight of the business. He trusted however, that the noble prisoner would find in the good sense, candour, and discretion of the jury, that assistance and support which he should want in his counsel. That they would distinguish between his case as it stood on the evidence, and in the speech of the King's counsel. Their candour and justice would point out to them the duty of looking round to the motives that had actuated the noble Lord; and they would pay a very material regard to the distinction that subsisted between two transactions that had been ingeniously, though cruelly, blended together. In order therefore, to lead them to the discovery of the noble Lord's motives, they would consider that the noble prisoner was a member of one of the most ancient and exalted families in this country, high in birth, and respectable for their loyalty and moral virtues---a family most eminently distinguished for their love and attachment to the constitution. It would also be remembered by them, that at that time he was a member

member of Parliament, and consequently that he must have that reverence and regard for the legislative dignity of the empire, as to have no wish to bring about the repeal of any act by other than legal means. He could have no interest in anarchy and confusion, nor could he from any common principle of human action, wish to introduce rebellion and revolt. These were pertinent conclusions of probability, to which the jury would attend. He adverted now to the Act mentioned by the Attorney General in the outset, the act of Ed. III. under which the indictment was laid. It was an act calculated for the wisest purposes, but very unwholesome conclusions and advantages had been drawn from that act; which it was not the intention of the legislature at the time of making it to sanctify. It was very true, that levying war against the person of the King was by that act constituted High Treason. The present indictment was not laid on that head. It was from what in modern practice was called constructive treason, and which was, as the Attorney General had said, assembling in a riotous manner, and attempting by force to controul the proceedings of parliament. He lamented that there was such a clause in the act. It was full of danger, obscurity, and doubt, and tended much more to create dissensions, and answer the purposes of machination, than give security to the state. It was not the intention of the legislature, that this interpretation should be put upon it; and though it had been so done in some cases, it was a practice he would venture to affirm exceedingly injurious, and which ought to be managed with great delicacy and

and forbearance. The indictment stated, that the noble Lord had levied war by assembling great multitudes together, and striving by terror and outrage to compel parliament to repeal an obnoxious law. The Attorney General, in stating the case, had endeavoured to rouse the passions of the jury, by descriptions exaggerated and unfit. It was not proper, he said, to make such an attempt; he must say it was not well done. He had called the multitude an army, and he had dealt in expressions which implied much more than they avowed, of a military nature, and in terms in which he was not supported by the evidence adduced, such as "marching in array, marshalled in columns, disciplined, carrying ensigns and flags, &c." These impressions were calculated to impress on the minds of the jury an idea that the whole was conducted and undertaken by a military body, whereas, by the plainest evidence, it would be proved that those with whom the prisoner was connected, who went up to the House with their petition, went up in a sober, quiet manner, unarmed, unaccoutred, and entertaining no hostile intentions. He trusted, therefore, that these attempts to prejudice the jury would not avail, and that they would judge from the facts presented to them in evidence.

He now reviewed the evidence that had been brought in support of the prosecution, beginning with that of William Hay. The evidence of this witness was exceedingly suspicious. He had acknowledged himself in several instances to be in the wrong, particularly with respect to his having seen Lord Gordon at Greenwood's rooms. After
 swearing

swearing positively that he had seen him there, he confessed he was in the wrong, and that he had not seen him. He was a man who frequented public places, he could not tell for what reason, but he constantly went from place to place with the inquisitorial intentions of a spy, and he made minutes of what was done. He too, like the Attorney General, was fond of using military terms. He had arrayed instead of dressed the people in their best cloaths, and had placed them in columns instead of divisions. He was corrected indeed in these expressions, but not till some time after he had made them, that they might have their influence on the mind. He had said that Lord George had declared, that the King, by assenting to the Quebec and to the late act, was brought into a situation similar to that of James II. after his abdication. This was a truly curious assertion. Could the jury believe for a moment that a man of sense could utter it? What relation under heaven was there between his Majesty and the unhappy James? It was a wanton assertion, unsupported, and which, he trusted, would be disbelieved; for the Jury would consider, that when men came singly to points of such importance, a suspicion is to be inferred. The Jury were to take the probability of evidence into their consideration; they were to remember that all might not be true which was sworn to, since it was a lamentable fact, exemplified in the experience of every day, that men came into the courts of justice, and swore to falsehoods; juries were therefore to collect the credit of assertions from the circumstances of probability. It was a difficult

cult thing to dispute matters that never existed ; but refutation might be gathered from the improbability of the case. The assertion alluded to was said to have been made in a public room, where hundreds were present, and where hundreds might hear ; and yet not one more witness was brought to confirm the evidence, although the Solicitors for the Crown had taken so much pains in preparing their proofs. This was a plain indication that they could not procure any other evidence to this fact. The learned gentleman also exposed his embarrassments and contradictions with respect to the man who carried the flag ; the confusion that there was in the Lobby, and his yet knowing every thing that was said with the utmost distinctness. His having said that a Mr. M^cMillan was acknowledged to be in the court, and yet was not called to confirm the evidence ; all this went strongly against the witness. Mr. Medcalfe's evidence proved no material charge against the prisoner. He had heard him say that he would go to the gallows for the cause, at the meeting. He *bad* heard this, but he had *not* heard the reason for the assertion, which was owing to a contrariety of opinion about the legality of more than a certain number's signing and presenting a petition to the House of Commons. This doubt arose from the statute of Charles II. limiting the number, and the question was, whether it was still in force ? Lord George declared it was not ; that it was repealed by the revolution. It was on this ground that the noble Lord had said, that he would pledge himself on the legality of the matter, and would go to death on the truth of his opinion. The learned Counsel

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forth, it was totally impertinent and foreign, since they spoke not from personal knowledge.

The jury, with the whole of the evidence before them, would compare and distinguish between the probable and improbable. He declared, that with this body of evidence on which to proceed, and exercising judgment with mercy, he should not at all hesitate to have the case of the prisoner in their hands. They would not, in a sentence of such magnitude, permit conjecture to operate where certainty was required. The sentence which they would give, on which they could reflect without pain, and without remorse, might be fully made up even from what they had already heard; but to make the prisoner's case more plain and clear, he meant to adduce some evidence to counteract what they had heard. One material point was to enquire, whether guilt had been imputed to any one of the prisoner's associates? Had any one of them been convicted of assisting the riots in any degree? Not one. The officers of the crown had been properly anxious to make every enquiry into the transactions; and they had not found that the members of the protestant association were, in any degree, connected with the rioters, or concerned in the outrages which were committed. That there were outrages of a shameful nature, which reflected disgrace on the government of this country, by being suffered to grow to such excess, was too true; but if other men, and not the noble lord and his associates, took advantage of their peaceable conduct, he was not answerable for consequences to which he did not contribute.

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He opposed the doctrine of the Attorney General, "that a man who turned a wild beast loose into the world, if the beast should kill a man, he who turned it loose was guilty of murder." He admitted, it would be so if he turned him into a room, and such accident were to happen; but if turned loose in the world at large, it was not so. The Attorney General would not say so again, for it was not the law of the land; he would not say it again, because it would prove he was as destitute of law as of humanity; but if this had been the case, it would not apply to the protestant association, of which his lordship acknowledged himself the president. They had chosen him for his rank and his virtues, as a man of pious and sober life, and capable of giving weight to their cause. They thought they had reason to complain of an act of the legislature: he would not say with what reason they found fault; he was a friend to toleration, and therefore might not agree with them, that the act, of which they complained, was improper; he must at the same time do them the justice to say, that if they thought it wrong, they had a right to apply in a peaceable way to their representatives, praying them to view it. It was the birth-right of Englishmen; for our laws were not like those of the Medes and the Persians—they were not irrevocable. But to the prisoner, the Associations had subsisted long before he was called upon to become their president. They saw in him those moral principles, and that virtuous life, which would become the head and leader of an Association formed in motives of piety. After he had accepted of this office, he

had often had the mortification of hearing in the House of Commons reproaches thrown out against the Associations, and against the petition that they were about to present—that it would not be signed by men, but by names, and imputed motives to the petitioners that were disgraceful. It was for the purpose of undeceiving those who were beguiled by this aspersions, and of giving Parliament a full idea of the reality and the seriousness of the petition to be presented to them—that he invited the Association to accompany their petition to the House. But they formed no army; they came in no array; with no weapons; with no hostile intentions; they met at ten o'clock in the morning, because that was an hour of sobriety, and they behaved themselves peaceably throughout. But in respect to the protection which had been produced to shew that he had an interest with the multitude, the story of that circumstance would astonish the Jury. Lord George, alarmed and filled with horror and consternation at the scene of devastation which succeeded through the intrigues of villains, desired to have access to his Sovereign for the purpose of assuring his Majesty that the people with whom he had been connected were not the authors of the evils, and that they possessed the purest sentiments of loyalty and respect for the government and the laws. The Secretary of State would be called to prove, that this was the ground of the application; he was not admitted, but of this he did not complain. He was given to understand, “that in order to deserve well of his Sovereign, he should exert himself on the occasion; and he was

was desired to go into the city, and do what he could to put a stop to the horrors as a test of his duty." In consequence of this he went with a civil magistrate, and endeavoured by every conciliating effort to stop the current of diabolical rage. In the course of his passage he was applied to, while in the carriage, and desired to sign a paper, which was presented to him, and the person said "it would contribute to put an end to the outrages." What could he do? He could not refuse. It would have been construed into bad design; he signed it with the best of motives, and yet this paper so obtained, and so intended, was now produced against him. He thought there was something exceedingly indirect and uncandid in this part of the evidence.

The learned gentleman concluded with appealing to the jury, trusting that they came there with no prejudices; and that they would hear and decide on the evidence, wisely and deliberately, without partiality or haste; and that whatever faults the noble Lord might have of warmth of temper, enthusiasm, or youthful ardour, they would yet free him from every imputation of hostility to the government of this country.

As soon as Mr. Kenyon had finished, Mr. Erskine rose, and addressing himself to the court, said, he wished to defer what he had to say in defence of his noble client, till after the witnesses on his behalf had been examined. This he said had been permitted in other cases, and therefore he hoped it would be in this.

The Attorney-General made no objection, and the court granted Mr. Erskine's request. The first witness they called was, The

The Rev. Erasmus Middleton.

I am a clergyman of the church of England, and lecturer of St. Bennett's. I am a member of the Protestant Association, and have been so from the time of its first establishment, which was in the month of February, 1779. In consequence of the bill of repeal brought in by Sir George Savile, and passed the year before, a few persons met at Coach-makers-Hall, for the purpose of preventing the growth of popery. To this end we published little books, and enquired into the state of the schools, and the encrease of popery. The Association was to be open to all protestants, and to meet quarterly. In the months of January, April, July and October, several meetings were held, and we proposed the Protestant Association of 1696, which was lodged in the Tower as an example for us. We published, in the month of November 1779, an appeal to the public. The bishop of Litchfield was requested by the society, to permit two sermons of his to be printed and distributed; but he declined that, as there were other publications likely to have a better effect. On the 12th of November we wrote to Lord George Gordon, soliciting him to become our president; to which he returned an obliging answer, accepting of our offer. In the several meetings which were had, his lordship always demeaned himself as a loyal subject. I looked upon his conduct with a degree of jealousy, and never could see that he had any thing in view, but to procure a repeal of the Bill by all lawful means, and to promote the interest of the Protestants. I never heard him make use of any

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expressions of disloyalty, or that he would attempt to get the bill repealed by force of arms; quite otherwise, he was always peaceable and moderate, all the meetings were open and public, some people came who were supposed to be papists and created disturbances: a person speaking disrespectfully of the bishops was reprimanded, and a rule was established, that no reflection should be made on any one, nor any inflammatory speech be permitted. I was present at the meeting on the 29th of May, the prisoner had, at a previous meeting held at the Crown and Rolls, agreed to take the chair on that night. A motion was made, whether the Association should attend the Petition; it was over-ruled, but the question was not regularly put, some were for it, and some were against it, and there was a confusion. The prisoner came to the next committee meeting, which was held in Beaufort buildings, he spoke to every one of the committee, which consisted of about eleven or twelve persons, separately, to know their opinions about another meeting, and then desired them to hold up their hands; and they all were for it but the secretary; an advertisement was then published for another meeting. I was one of the committee at the meeting on the 29th of May; his Lordship came to us in a side room, and read the heads of what he proposed to say before the Association. The committee, at a former meeting, would have postponed the presenting the petition to another session of parliament, as that present session was so far advanced; and they went so far as to send to the prisoner for the petition. I was at that time the only one against deferring it, but afterwards,

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at the meeting held before the 29th of May, the committee were persuaded by the arguments of his lordship. After his lordship had read the heads of what he intended to propose, he took the chair, and told the Association (which was very numerous) that he had been informed they were averse to going up with the petition that year, and he begged to know it from themselves. All parts of the hall immediately called out, No, No. He then put the question, Whether they should attend? and they were unanimous that they should. He then read some resolutions, and proposed a time and place for adjourning the meeting to, which was on the second of June, in St. George's Fields. They were to be in divisions, that his lordship might go from one to the other, and learn the sense of the whole. He mentioned that it had been repeatedly said, that it was a very easy thing to subscribe four or five hundred names to a petition, and therefore it was necessary for those who had signed to appear, in order to convince the world that the names were not fictitious. He proposed to them to make use of cockades, to distinguish themselves from others, and that he would meet them in the fields, at ten o'clock in the morning; an early hour was objected to by some, lest some of the people might get drunk; to which his lordship answered, there was no fear of that, for Protestant Associators were not drunkards. Somebody observed, that the assembling of such a number of people might cause the military to be drawn out. His lordship said he apprehended not, as they would behave orderly, which he strongly recommended, and desired that they would not so much

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as carry sticks in their hands; he desired that no one would return a stroke, and reminded them of this religious maxim, "If they smite thee on one cheek, turn thou the other also." He begged that any one that was riotous might be given up to the civil power, and even himself if he were riotous. During the meeting his lordship behaved peaceable, and never made use of one inflammatory expression.

Cross Examination, in behalf of the Prosecution.

Qu. Coachmakers-hall was very full I suppose?

W. It was; so were all the avenues. There might be more without than within. They could not all hear what his Lordship said, but those who did repeated it to the rest.

Q. Was it not settled in the hall that the whole body should go out with the petition?

A. The mode of presenting it was to be settled in the fields.

Q. How was the prisoner to take the sense of forty thousand people in the fields?

A. I don't know. I did not go into the fields.

Q. Why did you not?

W. I had parochial duty to perform, which I considered to be indispensable.

Q. Had you no other reason—What was your opinion of presenting the petition in that way?

W. I did not think it expedient to present it so, and many of the committee were of my opinion.

Q. Did it not occur to you that it was too late, and that a Bill could not be then carried through the Houses and passed?

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W. There

W. There was time, if it were carried through in as short a time as Sir G. Savile's was.

Mr. Kenyon. As I observe my Lord Stormont is in court, I wish, in order to save his lordship the trouble of waiting, to examine him now, though out of the chain of our evidence.

Lord Stormont.

I was attending his Majesty, with others of his confidential friends, on the morning of Wednesday the 7th of June, at Buckingham-house. About ten o'clock a page scratched at the door. I went out. He brought word that the prisoner was at the gate, and desired to see his Majesty. I ordered him to be shewn into a room, and went to him. I asked him what he wanted. He said, to see the King, because he could be of essential service in suppressing the riots. I went with this message, delivered it exactly, and the answer I brought back to the prisoner was this, "It is impossible for the King to see Lord George Gordon till he has given proofs of his loyalty, by using those means, which he says he has, to suppress the riots." The prisoner said, "If he might presume to reply, it was to say, he would use his best endeavours."

Thomas Evans.

I am a member of the Protestant Association. I was in St. George's Fields on the second of June. I was coming through Bridge-street, Westminster, in my carriage, when I was stopt by Mr. Smith, the Guildhall keeper at Westminster, who said he had something particular to communicate to the prisoner,

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prisoner, or the Protestant Association. He then told me, that some journeymen weavers, and other low people, had been observed to assemble, and that he was apprehensive there would be a riot.

Mr. Attorney General. What Smith told the witness is no evidence.

Court. Certainly not.

I went into St. George's Fields, and saw the prisoner in the middle of the Scotch division. I had never seen him before. I got to him, mentioned to him that Smith had told me of the assembling of the journeymen weavers, and that there would be a riot, if more than twenty or thirty people came up with the petition. I then asked the prisoner, if the whole body was to attend him? He said, by no means. His plan was to go alone, and present it. I told his lordship I was glad of it; and asked him, whether I might tell the people so? He said, "with all my heart." I immediately told them, that they were to remain in the Fields, and that the prisoner was to go alone. I then went to the other end of the Fields, to tell the other divisions, and I found to my great surprize the people formed in a marching order, six in a row, with their faces towards the Borough. I got out of my coach, went up to them, and asked them, what they were going to do? They said, to march through the City. I told them, they must not go out of the Fields, and repeated to them what Smith had told me. They answered, I need not be afraid, for they were determined not to make any riot. Somebody present said, that as I appeared so zealous in the business, I might go over Black Friars Bridge,

and stop them on Ludgate-Hill; but I thought it would be to no purpose, and therefore I went home.

Cross Examination.

I don't know how the petition was to be brought to the prisoner, nor what division carried it.

John Spinnage.

I saw the prisoner in St. George's Fields, and Smith having mentioned to me his apprehension of a riot, I went up to the prisoner, and told him, I hoped he did not intend to bring any part of that body of people over the bridge. He said, No, by no means; I mean to go to the House alone. The people were then very quiet and peaceable, and were decently dressed; they had no weapons, and they did not appear to me to be of the lower class.

William Smith.

This witness began to relate some conversation which he had held with one Walter Russell, from whom he had received the information which he had communicated to Mr. Evans and Mr. Spinnage. It was admitted that this conversation could not be given in evidence; his testimony, therefore, was not admitted.

Mrs. Wittingham.

I signed the petition; I was in St. George's Fields in a coach on the 2d of June; the prisoner came to the coach door; he appeared to me to be greatly

greatly fatigued; I desired he would get into the coach; after he was in, a great number of persons crowded round the coach, and several of them wanted to attend him; but he refused to be attended by them. He said he was much obliged to them for their offer; but he wished to go to the House alone. Accordingly the coach drove off, and I set his lordship down at the House of Commons.

was, 21st 7: Alexander Johnson. I saw 1

I was one of the petitioners. I went in the London division through the city to New Palace Yard, I was in the end of the procession; we did not find any people there. I went to dinner in the Strand with some friends, and about six or seven o'clock in the evening, we were told that there were great disturbances in Palace Yard. They proposed that we should go down, and endeavour to put a stop to the disturbances: I was against going, and told them the persons who made those disturbances, were not friends to us or our cause, and that we had therefore better stay where we were. But my friends persuaded me to go; when we came there, I saw about twenty boys and three or four men stop a carriage; I went and asked them why they did so? one of the men said they had authority; I said, I have authority too, and I immediately laid hold of the man, and the carriage drove on. They afterwards stopt another carriage, in which was an old gentleman; he told them he was as serious a friend to the Protestant cause as any of them. The people who composed this mob, were not those

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those that were in St. George's Fields, nor like them; they were chiefly lads. I did not know that the Association were then at the House, and I had no other reason for going down to Palace Yard than to quell the riots.

Alexander Frazer.

I signed the petition, and was in St. George's Fields on Friday, the 2d of June. I came over Westminster bridge before the body of the association; I then saw many people on the Westminster side of the bridge; they looked shabby; had blue cockades, but I do not think they were of the association, because many of them were in liquor, though it was not more than twelve o'clock. I spoke to one man, and asked him, if he was of the association? His answer was, "No, by God, this is my association," shewing a great club.

Cross examination.

I think the confusion began about one o'clock. People were pulled out of their carriages, by persons who had blue cockades; but they were not such persons as I had before seen near Westminster bridge.

Sir Philip Jennings Clerke.

I happened to be, on the 2d of June, in St. George's Fields, on horseback; there were vast numbers of people going different ways; they were pretty well dressed, and seemed to be of the better sort of tradesmen. I asked several of them why they assembled, and what they wanted to have done: they said they wanted an end put to the public teaching and preaching of the papists.

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I afterwards, in my way to Palace-yard, saw thousands of the same sort of people that I had seen in the morning. I saw the people that were in the lobby of the House of Commons, but they appeared to me to be a different class of people, and of a lower sort. I heard some part of what the prisoner said to the people in the lobby: I also heard him say, "the member for Bristol is now speaking; he is not a friend to your petition, but take notice I give you no advice, unless it be that you be temperate and firm."

Cross examination.

There was no speaking in the House on the Friday for some time, as the Lobby was quite full of people with blue cockades, who prevented the House from dividing. I heard some members desire lord George to request them to go away. On the Friday I went away with lord George in Sir James Lowther's coach; on the Tuesday there was a division upon a motion for taking the petition into immediate consideration. I was for taking it into consideration, because I then thought that a petition from forty thousand people deserved the attention of the legislature, and I think so still. I happened to be next the prisoner as we came out of the House on the Tuesday; I said to him, you must be my protector, and I took hold of his arm. We were much incommoded by the crowd, and when we were near the House Tavern, the prisoner seeing a carriage standing at the door, belonging to a Mr. Wiggan, with whom he was acquainted, he asked him to lend it, which he did; and I got into it with the prisoner. As soon

as we were in, the people took off the horses, and drew the carriage through the city. As I was merely an accidental passenger, and had an engagement to dinner at Whitehall, I wanted to get out of the carriage, but I could not. They said they must stop at the Mansion-house, to give the Lord Mayor three cheers. They then drew the carriage to Mr. Alderman Bull's, where I was confined by the populace for some time; during which his lordship often said to them, "While you continue thus riotous, the House will do nothing;" and he intreated them, with great earnestness, to behave quietly, and go home. In order to induce the people to disperse, word was sent to them that he was gone away; but they would not believe it, and did not disperse, so the prisoner got again into the carriage, and they drew it away.

John Turner.

I was in St. George's Fields on Friday the second of June; I heard the prisoner desire the people to be quiet, for that nothing would give so much weight to their petition, as good order and decent and peaceable behaviour. He told them he had been informed that some riotous people would mix with them, but he hoped they would not be led away by any such persons.

John Humphrys.

I was in St. George's Fields on the second of June, I did not see the prisoner address the people. A gentleman whom I did not know came from him, desired them to disperse, and said there was an act to prevent so many people from presenting a petition.

Sampson

Sampson Hodgkinson.

I was in St. George's Fields on the Friday, and I heard Lord George address the people in one of the rings; he desired them to be peaceable. The enemies of their cause might attempt to raise some disorder, he said, which would be imputed to them, and therefore they ought to prevent it. He told them they ought to be cautious not to lay any foundation for tumult, and to adhere strictly to the scripture rule, "If struck on one cheek, to turn the other." In consequence of some information which came to his Lordship, a rumour was spread that there was some danger, and his Lordship desired that not more than twelve of them would go up with the petition, as he wished to avoid all offence. All the people that were in the division in which I went, behaved very peaceably; and if any person gave any encouragement to be otherwise, they dropt their hands to shew they did not approve of it.

John Robinson.

I was in St. George's Fields, and the people were very peaceable; I stayed some time in Palace-Yard, the people who made the riots there had blue rockades, but I do not think they were the same people that went in the London division.

Sir James Lowther.

I was at the House of Commons the day when the petition was presented. After the guards had cleared the lobby, I left the House with Lord George and Sir Philip Jennings Clerke. Lord George asked me to convey him home. I said I would. Sir George Saville joined us, and we were

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met in Mrs. Bennett's room by Sir John Irwin and Colonel Lutterel, who had a blue cockade in his hat. Presently afterwards they went out of the room, and we were left alone. When we were in the carriage, the mob came about it, and asked if the bill was to be repealed. Lord George answered, I don't know, I hope it will; but go home and make no noise. As Lord George seemed to be much fatigued, I offered that my carriage should carry him home to his own house, which it did.

Mrs. Hume.

I was a servant to Lord George Gordon in June last; I recollect his coming home on Friday the 2d of June before eleven o'clock; and he did not go out again that night. He was at home on the Saturday, Sunday, and Monday following.

Cross Examination.

Q. Was he at home the whole of those days?

W. I don't recollect that; but I know he was at home some part of each day.

Prisoner's Counsel.

My Lords, if the Court think it at all necessary, we are ready to prove where the noble Lord was every hour of those days.

Alderman Pugh.

I was Sheriff at the time of the late riots; I recollect that I was in the same coach with the prisoner on Wednesday the 7th of June last. A paper was handed into the coach by a man who appeared to be in great distress, and said, he was afraid his house would be burnt down. The paper was

was brought ready written; he begged his lordship to sign it, which he did. I think, however, that he hesitated. I did not sign that, or any such paper.

Here the evidence for the prisoner was closed.

Mr. Erskine now rose in behalf of the prisoner. But the fluency and rapidity with which he spoke, made it impossible for the most expeditious writer to take it with accuracy in every part. He spoke not only as a lawyer, but as an orator; as a man pleading, in the most forcible manner, for the life that appeared as dear to him as his own. He communicated the passions he felt to the hearts of his auditors so powerfully, and seized upon them so irresistibly, that even his blemishes passed with applause at the moment they were made, however they might be considered afterwards. He handled the Crown Lawyers very severely, particularly the Attorney General; and, among other remarkable expressions, said, that if a man could bring a paper, signed from the best of principles, from the purest motives of humanity, and adduce it as a proof of guilt, to convict the person acting from such excellent principles to death, by G—d he must be an assassin. What must the feelings of the Court be, and to what a pitch must the passions be roused, when an expression like this, in the presence of such an audience, and upon an occasion so solemn, met not the smallest mark of disapprobation. It was, perhaps, the strongest possible proof of the orator's powers. It is not pretended to give here the whole of what Mr. Erskine said; it is impossible:

no writer could keep pace with him; and Mr. Erskine himself could not make any thing like an exact recapitulation. What follows, however, is what was most material in law and argument. Mr. Erskine said, he was also a counsel for the noble Lord at the bar; and if the gentlemen who had gone before him had found themselves under difficulties upon this occasion, what must his feelings be, who had had so much less experience. He declared, that since the first moment he knew any part of the noble Lord's defence rested upon him, he had not been at ease. That the noble Lord stood charged with what he would agree with the Attorney General to be the highest crime, with high treason. But as it was the highest crime, so it ought to be cautiously and accurately defined. It would be a rod to scourge the most innocent at will, if the crown could make the law to fit the fact. He thought the Attorney General would have stated to the jury the law of High Treason; but as he had not done it, he would endeavour to supply that omission as well as he was able. Here he entered into a detail of the law of treason; he said the statute of Edward the First was made to define treason, and by that act the jury were to measure all the evidence that they had heard to-day. That statute confines treason to such acts as unequivocally, and unambiguously strike at the root of the constitution; it declares that those offences which it mentions, and none others, should be adjudged treason. And that if any other case supposed to be treason should happen, not the Judges, but the King and Parliament should declare whether it were

were, so or not. That between the reign of Edward the Third, and that of Queen Mary, several statutes passed declaratory of new treasons, but all these were totally abrogated by the statute, made in the first year of Q. Mary's reign, which again reduced the law of treason within the statute of Edward the Third. He insisted that the purpose of the Protestant Association, and of the persons assembling, must be the sole object for the consideration of the jury; and though there had been meetings, yet if it appeared they were unconnected with the rest of the business, or that the persons were not assembled for any treasonable purpose, it was just the same. The noble prisoner could not be affected by them, the indictment must charge that the persons were arrayed in a warlike manner, and though that had been held to be matter of evidence, yet some act of violence must be proved; for all agree that the intention makes the treason, and the overt act is the only means of accomplishing that intention. It is the traitorous purpose of the mind, not the unintentional act of the body that constitutes the treason; and therefore, unless the jury were clearly convinced that the prisoner was a traitor in his heart, they could not convict him; and that traitorous intention must be collected, not from presumption or by inference, but from direct and positive evidence. He said he had stated the law of treason to the jury, because that was the standard to which they were to apply the evidence. He contended that the assembly of the Protestant Association in St. George's Fields, was not an act that indicated a treasonable intention to the mind of any one; for at that time

no one foresaw what afterwards happened. Or if the government did foresee the mischief, why did they not provide against it? The mere act of attending, in such large numbers, the petition to the House, could at most be an offence against the act of Charles the Second, which inflicts a small fine and trivial imprisonment upon persons, who, to the number of more than twelve, should present a petition to Parliament, even if that act were not repealed by the bill of rights, which he contended it was. Such petitioning did not amount to treason, he said; for in the year 1696, the House of Commons determined it to be only a misdemeanor. He stated Lord George Gordon's conduct from the time he became a member of the Association, and shewed it to be guiltless. He said it might be inexpedient and imprudent for the noble Lord to assemble together so many people, but he was not to defend him against a charge of imprudence, but of treason. No one act of violence had been proved to be done by any persons connected with his lordship, and the dreadful riots and disturbances which afterwards ensued, were not imputable to the Protestant Association, with whom his lordship was connected; for it appeared by uncontradicted evidence, that those outrages were committed by a set of miscreants, by people of a very different description from the members of the Protestant Association. If they had been concerned in that dreadful business, their enmity would have extended no further than against the papists: but was Newgate a papist? were the other prisons papists? yet they were destroyed: it was therefore clear that it was done

done by people of a very different disposition from that of the Protestant Associators. One piece of evidence had been produced by the Crown which astonished him: he meant the writing which the noble lord had signed as a protection to Pond's house; and signed from the finest feelings of humanity; for his lordship had that morning received a message from the King, as Lord Stormont had stated in his evidence, that he must give proofs of his loyalty, by using all the means he was possessed of to quell the riots. What then might have been said, and would have been thought, if his lordship had refused to sign a paper, which, it was represented to him, would prove a protection against the outrages of the mob; but his lordship was not the only one who gave these protections; the conductors of the prosecution knew, that Mr. Fisher, the secretary to the association, had granted his protections; that he spoke this of his own knowledge. Mr. Erskine then commented upon the whole of the evidence given on the part of the crown, particularly upon the evidence given by Mr. Hay and Mr. Bowen; and insisted, that, independent of the evidence on the part of the prosecutor, it was not sufficient for the jury to convict him, for it consisted principally of particular expressions, picked out by malice, and recorded without context or explanation, of situation, of circumstances, or of place. If the noble lord's intention was traitorous, it must have been so from the beginning; and who could believe it was so, when it was proved by the strongest and clearest testimony of concurring witnesses, that he requested the people in St. George's Fields, not to attend

attend him to the House; and repeatedly desired them in the lobby to be peaceable and quiet. But the conductors of the prosecution had judged from consequences, not designs. He set forth the moral character, the youth, the rank, and fortune of the noble prisoner; and that though, in a case of life and death, an advocate was warranted in making any observations, he protested that he had not willingly perverted the evidence in favour of his noble client. He concluded his eloquent speech with telling the jury, that he hoped they would give such a verdict, as would leave them in full possession of quiet minds.

Mr. Solicitor General, in reply, premised, that the observations and assertions made by the last advocate, though groundless, and such as he never before heard in a court of justice, would make no impression upon him, nor induce him to press any point against the prisoner, but he declared, that they should not prevent him from doing his duty, and laying the case before the jury, such as it really was, and commenting upon the evidence.

He then proceeded to this effect:

This prosecution has been called ill-grounded and malicious, and the conduct of the Attorney-General has been boldly and harshly arraigned. According to the usual forms of proceeding in trials of this kind, the Attorney-General has not an opportunity of vindicating his conduct from the aspersions which have been thrown upon it. I will therefore take that task upon myself; and I declare, that had I been in the place of the Attorney-General, I must have brought the prisoner to trial, for there certainly were strong appearances

25 pearances of guilt. Whether sufficient to convict
 30 him, is the province of you Gentlemen of the
 35 jury to determine; but it was the duty of those
 40 intrusted by the Crown, to have the matter in-
 45 quired into by a jury. The right of the people
 50 to petition the Parliament has been introduced
 55 into the case, though not pertinent to it, and it
 60 has been asserted that the Act of Charles the
 65 Second, is repealed by the Bill of Rights.—
 70 I think it is not. The Bill of Rights speaks of
 75 petitions to the King, not to the Parliament.
 80 The right of petitioning Parliament remains as be-
 85 fore the revolution, the act of Charles the 2d, sup-
 90 poses the right, and only limits the exercise of it.
 95 Was it the law before that act that the people
 100 might surround the Houses of Parliament, or
 105 confine the King till their petitions were granted?
 110 Or did that act mean to exempt the persons hold-
 115 ing such conduct from treason, and subject them
 120 to fine and imprisonment only? Certainly not.
 125 The Attorney General has been complained of
 130 for not having in his opening fully laid down to
 135 you the law of treasons; gentlemen I know his
 140 reason for not doing it: it was unnecessary, and
 145 he is not used to spend his time idly, or make
 150 quotations to shew his reading. None of the
 155 council to-day have doubted, but that an endea-
 160 vour to obtain any alteration of the law by force,
 165 is treason: it was not made so by the statute of
 170 Edward the Third: it was treason before that
 175 statute existed; and for this plain reason, if the
 180 people can take to themselves the right of legis-
 185 lation, the legislative body is at an end; for if
 190 upon such attempts the people are yielded to, they

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are the legislature ; if opposed, the certain consequence is a civil war, for force used by subjects against each other, is what constitutes a civil war. Gentlemen, the question is, whether the prisoner has been guilty of raising an insurrection, in order to obtain, by force, a repeal of the act. It is not necessary he should make use of force with his own hands ; a general does not fire the musket, he commands the soldier to do it ; and yet it is his act. This is no conundrum, gentlemen, an epithet used by the last counsel, I presume in the haste of eloquence. That an insurrection was raised is clear : the mob made prisoners of the House of Commons ; they are told the House cannot divide, or go on with the business, till they retire : did they retire ? No. The House was obliged to be set at liberty by means which I hope never to see occasion to use again, by a military force ! In what state was the country then ? was there a person in this town who did not tremble for his fate ? yet it has been stated as a matter of reproach to the servants of the Crown, that they advised a prosecution against the author of such proceedings. Gentlemen, the object of the act brought in by Sir George Saville was to repeal a law written in letters of blood ; it contained the only instance I believe which our law affords of perpetual imprisonment. It was not made even to satisfy the necessity of the times ; for it was passed against the inclination of King William and his ministers, and was the mere effect of party—
 [Here the Solicitor General recapitulated the several outrages that were committed by the mob, which it is not necessary to restate, as they were
 opened

opened by the Attorney General, and inserted in his speech.]—To quell these disturbances, military force was found necessary.

The next thing to be considered is, whether the prisoner was concerned in the matter. It has been said, what motive could he have for raising and encouraging the mob? I don't know; but this I know, that the worst consequences have arisen from ambition and religion, and those qualities, mixed in the same mind, may produce the very worst effects. Whether I discover his motives or not, if the fact be proved against him, he must be found guilty. Gentlemen, the prisoner met the Association several times at Coachmakers-hall, and other places; there he held language dreadful to repeat; for he said that his Majesty's ministers had brought him into the situation in which James the Second was after his abdication; and that his Majesty had broken his coronation oath: that his friends in Scotland had spoken out. What speaking out was there in Scotland, except the devastations which were committed? [Here the Solicitor General recapitulated the evidence of Hay, Bowen, Anstruther, and Metcalfe, as to what Lord Gordon said to the mob at the House of Commons.] Gentlemen, this same mob, which had been at the House on the Friday, when the prisoner got into his friend's carriage, with Sir Philip Clerke, drew it to Alderman Bull's, for they knew, without any direction, the house to which the prisoner wished to go. On Wednesday he goes to the King, and tells Lord Stormont that he could be of use in suppressing the riots. The mob pay obedience to the prisoner's protections.

The witnesses for the prosecution have been called the scum of the earth, and Mr. Hay having had the misfortune to fail, is, for the sake of the phrase, called a bankrupt, in fortune and in conscience. He had no interest, no motive, no present benefit or chance of it; and though his character is now attacked, and they have had notice of him as a witness for eighteen days, no attempt has been made to impeach it by evidence. Are invectives and assertions to weigh against evidences. No Terms could be stronger than those the prisoner used at Coach-makers-hall; he sent rebellion through the land: the first act of violence here was burning the chapels, like the conduct of the Scotch insurgents. A steady and a firm petitioner is a new language; it is turning a petition into a demand. Did the prisoner do any thing to quell the mob? Did he not wear the badge himself? He came down to the House on Tuesday with a blue cockade. It is said nothing was done by any of the Protestant Association: but to suppose the want of connexion here is to shut our eyes against the strongest light. Whom did the prisoner address in the lobby? Why his friends certainly. They held the same language, and bore the same marks, upon all occasions, as at the House; and it is not till the lobby is cleared by the military that the outrages begin. They first began with chapels and houses of Papists; then they destroyed the houses of the witnesses against such as had been apprehended, and of the justices who committed them. And I must think that the burning of the house of the noble lord who presides in this court, was a continuance of the same plan of intimidation; for who was
so

so proper to be attacked for that purpose, as the house of the first criminal judge. To suppose that another mob could go and burn chapels is too absurd.—What assistance could the prisoner give in quelling a mob he had nothing to do with? but he had power over it, for he grants a protection to Pond, and it is minded.—I protest I do not see any weight in the evidence produced for the prisoner, though Middleton says, the prisoner always desired the repeal might be obtained in a peaceable manner. The direction to give up any one who was riotous, and when one cheek was struck to turn the other, is not probable. He gives them no advice, and though all his inflammatory expressions, which we have proved, were spoken before his friends, not one of them has been called to contradict or explain them. Gentlemen, if you think we have not proved the case, acquit him, and no one will murmur at it; but if it appears to you, that the prisoner, incited, encouraged, and conducted the mob, what must be the consequence? No consideration of rank or fortune will make you forget justice; every man will lament the fate of the prisoner; but if you think he is so, you must find him Guilty.

Lord Mansfield. Gentlemen of the jury, the prisoner at the bar stands indicted for High Treason, for levying Public War against the King.—I will state to you what the law is. There are two kinds of levying war against the King; the one directly against his person, the other against the Majesty (in contradistinction to the person) of the
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the King: and if a multitude of people assemble themselves together, in order to obtain by force, any general or public object, it is treason, because it takes away the power of the Crown and Parliament, and therefore insurrections for the raising of wages, opening of prisons, destroying of all meeting-houses, tolerated by law, and even to pull down all bawdy-houses, though against law, amount to treason, so a resistance to the Militia Act was held to be treason. And if a mob assemble with intent by force to awe or compel King, Lords, and Commons, to make a new law, or to alter or repeal an old one, it certainly is treason; and whoever is aiding, abetting, or encouraging, is a principal, and it don't signify whether the law is bad or good.—My opinion is, that a man ought not to be punished for his religion, but permitted to exercise it, provided it does not interfere with the government and constitution of the country. Gentlemen, it ought to be understood, that this bill brought in by Sir George Savile is not a toleration of the papists, it only takes away some penalties out of many. Immediately after the revolution, it might be necessary to have penal laws against the papists. There is another thing, gentlemen, which I will mention to you, because it has been much observed upon to day; and that is, whether the act of Charles II. is repealed by the Bill of Rights. I have consulted the judges upon the question, and we are all of opinion, that the statute is in force; and I never before heard a doubt to the contrary. Gentlemen, there are two points for your consideration; first, whether the multitude assembled, and did acts of violence,

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to intimidate the legislature, and to obtain by force, a repeal of the bill; secondly, whether the prisoner was privy to, aided, incited, or encouraged them. It seems to be admitted, that on the 2d of June, a great multitude assembled in St. George's Fields, in consequence of a public advertisement from the prisoner: that they proceeded in order to the House of Commons: that they possessed themselves of the lobby, and filled the avenues leading to both Houses of Parliament: that the House of Commons could not divide, because the lobby was full, and the officers could not clear it: that members in coming to both Houses were stopped and insulted: that afterwards a mob, I say a mob, burnt the chapels and houses of the Roman Catholics, the houses of the justices and witnesses, and destroyed the prisons, and set the prisoners at liberty. Now I will state to you the evidence that has been given, to prove his lordship's conduct with respect to the Protestant Association. The first, in point of chronology, is the Rev. Mr. Middleton.

Then his lordship summed up that part of the evidence of Mr. Middleton which related to the meeting of the Protestant Association previous to the 29th of May; and also to the evidence of William Hay, and what came out on his cross examination.

You will recollect the observations that have been made upon the evidence of this witness; it has not been attempted to be impeached but in argument.

Then his lordship proceeded to sum up the evidence of William Metcalfe, John Anstruther, the
reverend

reverend Mr. Bowen, and Mr. Cator; and having done so, he said the other evidence for the Crown was not material as to the prisoner's own conduct. Here he was interrupted by the prisoner, who desired him to sum up the evidence of Richard Peirson, which his lordship accordingly did, and was proceeding to the evidence of the next witness, when he was interrupted again by the prisoner, who told his lordship, he had omitted a part of Peirson's evidence materially in his favour; it was, that the prisoner waved his hand as a signal to the mob, to let the members pass through the lobby to the house. Lord Mansfield then repeated it to the jury, and he particularly desired, that the other judges would correct him if he misstated or omitted any part of the evidence, and that the jury would look at their own notes. His lordship then went through the remainder of the evidence for the crown, and the whole of the evidence for the prisoner.

Gentlemen, upon this evidence, several considerations arise as to the number of the people, their object, all which I leave to you. And as I said before, there are two points for your consideration, first, whether the intent of the mob was, by assembling and committing acts of violence, to intimidate, or by force, to compel the legislature to comply with their petition; and secondly, whether the prisoner aided, incited, advised, or encouraged them to assemble or commit acts of violence for that purpose. If you are of opinion that they did not intend to intimidate the legislature, or compel the repeal of the bill by force, or that the prisoner was

was not concerned in aiding or encouraging them, you will acquit him. If you think otherwise, you will find him guilty; always remembering, if the balance of evidence hangs doubtful, to incline on the side of Mercy.

The jury withdrew, an officer was sworn to keep them, and in about half an hour they returned, and were called over.

Clerk of the crown. Lord George Gordon, hold up your hand.

Gentlemen of the Jury—Look upon the prisoner—How say you—Is he guilty of the indictment wherewith he stands charged, or not guilty?

Foreman. Not Guilty.

Clerk of the crown. You say he is not guilty, and so you say all.

This trial began at half past eight on Monday morning, and the jury brought in their verdict at five on Tuesday morning.

Ex. H. A. A.

F I N I S.

The first thing I noticed when I stepped
 out of the car was a warm blanket of
 sunlight. The air was crisp and clean,
 a stark contrast to the smoggy city I
 had just left. I took a deep breath,